

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN C. JAHN, Personal
Representative of the Estate of STEVEN
JACOB JAHN, Deceased,
Plaintiff,

Case No. 13-11309

Honorable Nancy G. Edmunds

v.

WILLIAM T. FARNSWORTH, THOMAS L.
VALKO, PATRICIA L. SPEILBERG and
MARYSVILLE PUBLIC SCHOOLS a/k/a
MARYSVILLE SCHOOL DISTRICT, a
Michigan Statutory Public School District,

Defendants.

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ORDER OF DISMISSAL AS TO PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Steven C. Jahn, Personal Representative of the Estate of Steven Jacob Jahn, Deceased, filed suit against Defendants, William T. Farnsworth, Thomas L. Valko, Patricia L. Speilberg and Marysville Public Schools a/k/a Marysville School District, a Michigan Statutory Public School District, in this Court on March 25, 2013.

While Plaintiff's complaint does allege violations of 42 U.S.C. § 1983, and the United States Constitution, Plaintiff's complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1337(c); Moor v. County of Alameda, 411 U.S. 693, 716 (U.S. 1973); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1337(c), all of Plaintiff's claims based on state law, including, but not limited to, negligence (Count II), and

intentional or reckless infliction of emotional distress (Count IV), are hereby DISMISSED WITHOUT PREJUDICE. This Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds

United States District Judge

Dated: May 2, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 2, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams

Case Manager

Acting in the Absence of Carol A. Hemeyer